

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
MARC KAMIN : ORDER OF REVOCATION
_____ : DOCKET NO: 0405-286

At its meeting of June 10, 2004, the State Board of Examiners reviewed information received from the Division of Youth and Family Services (hereafter DYFS) substantiating allegations that Marc Kamin had sexually abused a student. Kamin was alleged to have had a sexual relationship with a fifteen-year-old student at the high school where he was employed. Kamin did not appeal the DYFS findings. Kamin currently holds a Teacher of Social Studies Certificate of Eligibility With Advanced Standing, issued in December 2000. Upon review of the above information, at its June 10, 2004, meeting, the State Board of Examiners voted to issue Kamin an Order to Show Cause.

The Board sent Kamin the Order to Show Cause by regular and certified mail on July 20, 2004. The Order provided that Kamin's response was due within 30 days. Neither copy was returned although the Board does not have the certified mail return receipt card. Kamin did not respond to the Order. Accordingly, the Board sent Kamin a second notice by regular and certified mail on August 31, 2004. The certified mail receipt card was signed and returned and the regular mail copy was not returned. Once again, Kamin did not file a response to the Order to Show Cause.

The threshold issue before the State Board of Examiners in this matter, therefore, is whether Kamin's sexual abuse of a student constitutes conduct unbecoming a certificate holder. Since Kamin did not respond to the Order to Show Cause, the State Board of Examiners had no responsive pleading to consider in the hearing process. It is therefore ORDERED that the charges in the Order to Show Cause are deemed admitted for the purpose of this proceeding. *N.J.A.C. 6A:9-17.7(c)*. Since Kamin's conduct, as set forth in the Order to Show Cause, is admitted, the Board of Examiners must now decide whether that constitutes a sufficient basis to act against his certificate pursuant to *N.J.A.C. 6A:9-17.7(c)*. It finds that it does.

The State Board of Examiners may revoke or suspend the certification of any certificate holder on the basis of demonstrated inefficiency, incapacity, conduct unbecoming a teacher or other just cause. *N.J.A.C. 6A:9-17.5*. “Teachers ... are professional employees to whom the people have entrusted the care and custody of ... school children. This heavy duty requires a degree of self-restraint and controlled behavior rarely requisite to other types of employment.” *Tenure of Sammons*, 1972 *S.L.D.* 302, 321.

Furthermore, unfitness to hold a position in a school system may be shown by one incident, if sufficiently flagrant. *Redcay v. State Bd. of Educ.*, 130 *N.J.L.* 369, 371 (Sup. Ct. 1943), *aff'd*, 131 *N.J.L.* 326 (E & A 1944). In this case, Kamin’s sexual abuse of a student is inexcusable behavior for any individual, teacher or not. His behavior demonstrates that he is unfit to serve in New Jersey’s classrooms. Thus, the only proper response to Kamin’s breach is revocation.

Accordingly, it is therefore ORDERED that Marc Kamin’s Teacher of Social Studies Certificate of Eligibility With Advanced Standing be revoked on this 9th day of December 2004. It is further ORDERED that Kamin return his certificate to the Secretary of the State Board of Examiners, Office of Licensure, PO Box 500, Trenton, NJ 08625-0500 within 20 days of the mailing date of this decision.

Michael K. Klavon, Acting Secretary
State Board of Examiners

Date of Mailing: February , 2005

Appeals may be made to the State Board of Education pursuant to the provisions of *N.J.S.A. 18A:6-28*.